

JACOBS LAW GROUP, PC  
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ATTORNEYS FOR PLAINTIFFS

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY, CAMDEN

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JIM MCLAY AND BARRY KOHOUT

*Plaintiffs,*

v.

MAVERICK MOTION PICTURE GROUP, LLC,  
MARK MORGAN, MADONNA CICCONE,  
GUY OSEARY, AND CHRIS DANIEL

*Defendants.*

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CIVIL ACTION NO. 05-3199 (JBS)

JURY TRIAL DEMANDED

**AFFIDAVIT OF MATTHEW I. COHEN, ESQUIRE, IN RESPONSE TO THE NOTICE OF  
DISMISSAL FOR LACK OF PROSECUTION IN ACCORDANCE WITH LOCAL RULE 41.1(A)**

Matthew I. Cohen, Esquire, having been duly sworn according to law hereby deposes and states as follows:

1. I am an attorney in the law firm of the Jacobs Law Group, PC at the offices of 1800 John F. Kennedy Blvd., Suite 404, Philadelphia, PA 19103. I am duly authorized to make this affidavit on behalf of Plaintiffs, Jim McLay and Barry Kohout, as well as on behalf of Jacobs Law Group, PC. This affidavit is given on my personal knowledge and participation in the above-captioned matter.

2. While there may have been no docketed proceedings before this Honorable Court in the above-referenced matter, all parties have been working very actively towards reaching an amicable resolution of this matter.

3. All defendants, including Chris Daniel who has previously made a *pro se* appearance, are presently being represented by Attorney Jeffrey Konvitz, California, who practices out of offices located at 1801 Century Park E., Suite 2300, Los Angeles, California 90067.

4. Attorney Konvitz has been working very closely with the undersigned affiant to reach an agreement that is satisfactory to all parties.

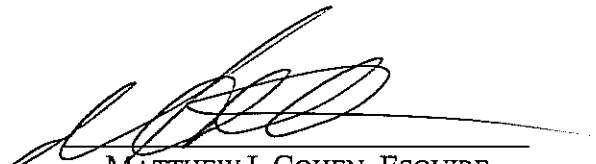
5. Plaintiffs and Defendants have exchanged documents in order to complete the settlement and anticipate final resolution of this matter within a few weeks.

6. While it is anticipated that this matter will reach amicable settlement, the settlement has not been finalized. Plaintiffs wish to protect their interests by maintaining this action in case settlement should fail.

7. Upon reaching settlement and obtaining an executed agreement, Plaintiffs fully intend to dismiss this matter in a timely matter.

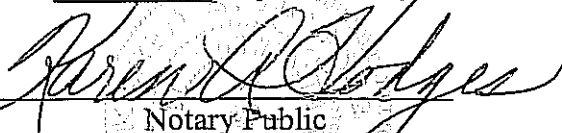
8. In the interim, while the parties continue their good faith settlement efforts, it is respectfully requested that this Honorable Court not dismiss this case so that Plaintiffs may continue the zealous prosecution of their claims should settlement fail.

9. Further affiant sayeth not.

  
MATTHEW I. COHEN, ESQUIRE

Sworn to and subscribed before me

this 6 day of March, 2006.

  
Notary Public  
COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
KAREN A. HODGES, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires October 19, 2009